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righteousness of the positive law and the final aim of its evolution," and that "a renovation of the international law" may therefore be founded on them.

To a certain extent the author ventures to furnish us with these invaluable criteria. As one might expect, they embrace rules which he himself regards as "reasonable." But our gratitude is often qualified by difficulty in following him. In discussing the thorny subject of frontiers, he observes that they have not been traced with regard to the general welfare; that conquest has been the main factor; and that, while "historical causality has weighed territorial and personal elements, Mars has thrown his sword into the scale, so that modifications may or may not have been in the direction of "reasonable principles". This leaves us on uncertain ground; and our perplexities are increased by the further remark that some assert that "the finger of the Almighty has traced the boundaries of states."

The author discusses the question of nationality, but offers no solution of its difficulties. The same thing may be said of his treatment of the subject of envoys and consuls. Under the head of "the general direction of public affairs of mankind" he discusses "international administrative law", and in conclusion asks "May the germs of an evolution be ascertained?" He replies, "I am inclined to give an affirmative answer but the germs are very, very small almost microscopic." So, in treating of conflicts in taxation, he remarks "Are there any germs of an evolution? They are to be found, but they are very, very small." Naturally, he does not fail to perceive the part played by patriotism in international affairs. The view he takes is that "patriotism, considered as a pleasant sensation," is "compatible with the paramount power of mankind."

These examples furnish an indication of the character of the author's thesis and of his method of presentation. More than half of the volume is devoted to topics in the domain of international private law.

John Bassett Moore.

YEAR BOOKS OF EDWARD II. Vol. XV, 6 and 7 Edward II, A. D. 1313. Edited by WILLIAM C. BOLLAND. London: B. QUARITCH. 1918. SELECT CASES BEFORE THE KING'S COUNCIL. 1243-1482. Edited by I. S. LEADAM and J. F. BALDWIN. Cambridge: HARVARD UNIVERSITY PRESS. 1918.

A review never can do full justice to a book of worth. Much less can one evaluate in a few paragraphs two such volumes as numbers 35 and 36 of the Publications of the Selden Society. Founded in 1887 to encourage the study and advance the knowledge of the history of English law, the Society has issued one volume every year, and in some years, two volumes. This record has been kept up in spite of the world war, two volumes being issued for the year 1918,—one of them edited by an American, and, to overcome existing difficulties of transportation, published by the Harvard University Press. No greater evidence could be given of the sincerity and abiding faith of the directors of the Society than this persistent recurrence to history at a time when the lessons of history seemed to have been forgotten.

The Year Books Series was begun in 1903 as No. XVII of the Publication, and the twelve volumes already published are all of the reign

of Edward II. They bring us only as far as 7 Edward II.* Some of the Year Books of Edward I, and those of the eleventh to the twentieth year of Edward III, have been published in the Rolls Series.

In the volume edited by Mr. Bolland there are fifty-seven cases, a meagre number compared with the contents of a modern volume of the United States Supreme Court Reports, but they appear in the fullness of detail and with apparatus to assist in understanding them, which, considering the period when they came up for hearing, is remarkable. The cases are presented in variant accounts by a comparison of thirteen different manuscripts. Each case appears first in the law French in as many different versions as the manuscripts contain. These are followed by a note from the Record, in Latin. On parallel pages is found the translation in English. There are explanatory footnotes, both for the originals and the translations. The apparatus of references consists of concordances of this edition with the old edition (in which all of the cases appear) and with Fitzherbert's Abridgment, tables of statutes, forms of action, and tables of cases (the latter constituting a digest), and indexes of matters, persons, and places. As is the custom since Sir Frederick Maitland edited the first of the Year Book Series, there is an extensive introduction. In fact, the introductions in the various volumes of the Selden Society Publications are the most illuminating studies extant of English legal history, each being based on documents presented therewith both in the original and in translation. Each editor comments on the cases or documents printed and then selects some topic for specific reference. Mr. Bolland has selected two interesting matters, namely, Attorneys and Bailiffs, and certain provisions of the Statute of Gloucester. He makes a definite contribution to our knowledge of the meaning of the terms Responsalis and Bailiff (which he finds originally to have been of identical meaning) and of Attorney and Essoiner.

The selection and editing of the cases before the King's Council (incorrectly numbered volumes 36 instead of 35 of the Selden Society Publications) was begun by Mr. Leadam and completed by Professor James F. Baldwin, of Vassar College. The latter had already, in 1913, published his "King's Council in England during the Middle Ages", a work of infinite industry casting new light on the history of an institution the activities of which are not set down in any continuous official contemporaneous records. In Appendix III of the "King's Council", Professor Baldwin printed thirteen selected cases and other legal proceedings. The volume now under review, containing forty selected cases heard by the Council from 1243 to 1482, is a more extended ap-

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- v. 1—1 and 2 Ed. II (1307-8 and 1308-9)
- v. 2—2 and 3 Ed. II (1308-9 and 1309-10)
- v. 3—3 Ed. II (1309-10)
- v. 4—4 Ed. II (1310)
- v. 5—The Eyre of Kent, v. 1, 6 and 7 Ed. II (1313-14)
- v. 6—4 Ed. II (1310-11)
- v. 7—The Eyre of Kent, v. 2, 6 and 7 Ed. II (1313-14)
- v. 8—" " " v. 3, 6 and 7 Ed. II (1313-14)
- v. 9—Not yet published.
- v. 10—Not yet published.
- v. 11—5 Ed. II (1311-1312)
- v. 12—5 Ed. II (1312)
- v. 13—6 Ed. II (1312-1313)
- v. 14—Not yet published.
- v. 15—6 and 7 Ed. II (1313)

pendix to the earlier work. These cases together with twenty-eight others listed in Appendix II, complete the list of those which have been put into print. "Up to the present", says Professor Baldwin, "there has not been published any comprehensive collection of cases before the king and council, upon which not only the history of the council but also in proportional measure the history of law must depend."

Frederick C. Hicks.

GOVERNMENT OF THE BRITISH EMPIRE. By EDWARD JENKS. Boston: LITTLE, BROWN & Co. 1919. pp.

Among the numerous works on the government of England, there are few which present in brief compass the essential features of the English government.¹ It is to fulfill this purpose that the present volume has been issued, the object of which is to give "a comprehensive view of the system under which the British Empire is governed, expressed in simple, untechnical language." Mr. Jenks covers a wide variety of topics in short and suggestive descriptions of various phases and features of the English government. His aim is to present briefly the setting for English institutions and to give a descriptive account of the government of England as it now operates. Short accounts are given of the primary framework of the English government—the Crown, the Cabinet, Parliament, and the courts. Other chapters deal with important offices within the Cabinet, with the established churches, and with local government in counties and boroughs, topics which are not often adequately considered in elementary treatises. A feature of the volume is the consideration of the colonial policies of the Empire and the nature and significance of responsible government as exemplified in the self-governing colonies.

Although prepared for those who seek a cursory view of the English government, the volume covers too many subjects and involves too great detail for those who have time for only a short course in the English government. For this purpose, the chapters of President Lowell's standard treatise are probably better adapted to students in that they contain less detail and give a more adequate account of the essential features of the English system of government.² While it may be necessary and desirable to cover most of the topics included in the volume, it is doubtful whether an adequate description can be given in short compass of so many minor matters connected with English politics and administration. Furthermore, too much emphasis has been given to the history of English institutions and not enough to the fundamental political changes of recent years. Adherence to the historical method has resulted in an arrangement of topics which renders systematic exposition impossible. One may well question whether such matters as investiture, benefit of clergy, etc., (pp. 288, 292) deserve attention in a volume whose chief aim is to describe the present system of the English government.

But allowance must be made for the extreme difficulties involved in an attempt to explain such varied and complex matters as now comprise that intricate political mechanism known as the government of

¹Cf. J. A. Marriot, *English Political Institutions*, Oxford University Press, 1910.

²A. L. Lowell, *The Government of England*, 2 v. The Macmillan Company, 1908.